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SCHOOL of LAW

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The Utton Center



Note from the Director

Over the past few months, one of the themes for discussion at the Utton Transboundary Resources Center has been improving the dissemination of knowledge.

When it comes to natural resources and the environment, the desire for knowledge is widespread. Recently, the Utton Center has published two reports on water. We have posted both to our website and are using Facebook and Twitter to ensure that we are spreading the word beyond the UNM School of Law about these valuable resources. Not only that, but as we host speakers at the law school, we invite the wider university community and members of the state bar to join us. In the future, we plan to capture talks on video for those who cannot attend.



Many universities are on the cusp of opening their doors to more students, but not by admitting more applicants. Rather, courses are being posted online, free to anyone with a computer. This doesn't substitute for the classroom, in which teachers and students probe and reach new levels of understanding through dialogue. But it does allow a wide audience to learn what is being taught in universities. A democratic society requires that its citizens be educated. Only then can we all effectively engage in solving the problems of our time - including the management of water, energy, and the built environment.

Professor Denise Fort
Director,
Utton Center



Native American Water Settlement Documents Project Initiated

More than 560 federally recognized tribes are located within the United States. Formal recognition of their water rights is necessary for tribes to use and protect a vital asset. That recognition also allows more realistic land and water planning by adjoining communities.

To date, Congress has acted on 29 Native American water rights settlements. Twenty-one more settlements are in progress and the water rights of many more tribes must still be addressed. Practitioners, tribes, judges, and communities want and need easy access to information about the challenges and opportunities that lie ahead. Unfortunately, most information about settlements-stored away in boxes and court records rooms-is not easily accessible.

But that's changing under a new project being undertaken by Darcy Bushnell (Utton Center associate director), Francine Hatch (American Indian Law Center, '08), Karl Benedict (UNM Centennial Library of Engineering and Science and Earth Data Analysis Center professor and director), and Barbara Cosens (University of Idaho College of Law water professor).

[full story here](#)



University of Idaho College of Law Professor Cosens Partners on Settlement Documents Project

Visiting Scholar Barbara Cosens joined the law faculty at the University of Idaho in 2004 as an Associate Professor. She teaches Water Law, Water Policy, Law and Science and leads a team-taught course in Interdisciplinary Methods in Water Resources.

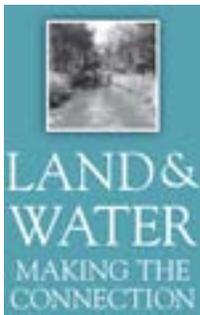
During her stay at the University of New Mexico School of Law, Cosens will be collaborating with the Utton Transboundary Resources Center and the American Indian Law Center on the development of an e-repository for documents associated with Native American Water Right Settlements. (see above.)

[full story here](#)

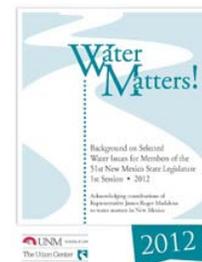
UNM Moot Court Team Excels at Pace Competition

The National Environmental Law Moot Court Competition is an annual inter-law school appellate moot court competition sponsored by Pace University School of Law, in White Plains, NY. As the preeminent environmental moot court competition in the country, it aims to help students develop expertise in environmental law appellate advocacy. The annual problem typically involves three parties: industry, government, and an environmental protection group, and includes a variety of environmental law statutory issues, administrative law issues, constitutional issues, and common law claims.

[full story here](#)



Utton Center Releases Water Reports



In recent months, the Utton Transboundary Resources Center has released two critical reports about New Mexico's water issues, Land & Water: Making the Connection and Water Matters! 2012.

[see full story](#)

Fort Co-authors National Research Council Report on Water Reuse

University of New Mexico School of Law Professor and Utton Transboundary Resources Center Director Denise Fort provided a legal voice to a new National Research Council book about water reuse by cities.

[full story here](#)



NRJ Begins 52nd Year of Publication

By Dan Akenhead and Nicholas Pino, Editors in Chief, Natural Resources Journal

The Natural Resources Journal (NRJ) began publishing in 1961. From its inception, the NRJ has been guided by principles articulated in the journal's first issue:

The isolation of scholars in various fields concerned with resources problems continues to be a principal impediment to progress.... [R]esources problems are so complex that traditional lines of approach prove inadequate.... Rarely do we find the work of the lawyer and the non-lawyer appearing side by side.... The primary function of this (new) journal is to meet this need....

As NRJ begins its 52nd year of publication, we remain as committed as ever to providing our devoted, global readership the best in natural resources scholarship from across various academic areas and technical professions.

Our upcoming issue, Volume 52, will feature diverse articles on pressing issues, including: integrating water and land use planning; promoting renewable energy in the United States through feed-in-tariffs; the historical disconnect between environmentalists' use of the Endangered Species Act to protect owls and the relationships of working people with western forests; rate-based municipal water conservation on the Ogallala Aquifer; and international forest carbon sequestration programs.

Professor Al Utton, the namesake of the Utton Center, led the NRJ for over 30 years. During that time, he worked tirelessly to create a reputable publication that would make substantive contributions to the field of natural resources. The current board is proud to continue his hard work, as well as the hard work of all of those who followed in his footsteps.

[full story here](#)

Environmental Law Society Updates

By Luke Pierpont

The University of New Mexico School of Law's Environmental Law Society is currently raising money to fund a public interest summer fellowship for one student who is interested in doing unpaid public interest environmental work. ELS launched a fundraising auction on February 28; auction items include a Kindle Fire, a vacation day in Santa Fe that includes one night at a bed-and-breakfast, a day at Las Estrellas Spa, and dinner at El Meson.

On April 16, ELS will host its annual Bike To School Day, with prizes and fun for people who use alternative transportation in honor of Earth Day. In April, ELS will also be electing new officers. For more information: <http://lawschool.unm.edu/students/organizations/els/index.php>

[full story here](#)



Student Spotlight Wirth Brings Science to the Legal Table

With a background in science, third year University of New Mexico law student Sharon Wirth brings a unique perspective to the Utton Transboundary Resources Center.

"I've done a lot of work on water supply issues related to agriculture, groundwater mining, and most recently, upcoming potential actions by New Mexico to divert water from the Gila, the last free-flowing river in New Mexico," she says. "We need to keep asking questions about other ways to solve water supply problems-there are smart, efficient conservation approaches to solving water needs as opposed to building new projects."

[full story here](#)



Professor Benson Shares his Water Expertise

University of New Mexico School of Law Professor Reed D. Benson has published a number of recent papers, including "Environmental Review of Western Water Project Operations: Where NEPA Has Not Applied, Will It Now Protect Farmers from Fish?" in *UCLA Journal of Environmental Law and Policy* (Vol. 29, No. 2) and "Public on Paper: The Failure of Law to Protect Public Water Uses in the Western United States," in the *International Journal of Rural Law and Policy* (Vol. 1, No. 1), a new peer-reviewed, online journal from the University of New England in Armidale, Australia.

[full story here](#)

Utton Center Hosts Two Spring Talks

The Utton Transboundary Resources Center is hosting two upcoming brown bag lunches. All talks are held at the Law School and begin at noon.

On March 7, Susan George ('98) will be giving a talk entitled "Wildlife to Wild Friends: Journey of an Environmental Attorney." George is the Senior Attorney with the Institute of Public Law at the UNM School of Law, and is the former Senior Counsel for Defenders of Wildlife.

On April 18, Lynn Slade, from Modrall, Sperling, Roehl, Harris & Sisk, P.A., will give a talk entitled, "A View from the Bar: Energy Development in Indian Country."

Utton Center Launching New Instream Flow Publication

Next month, the Utton Transboundary Resources Center is launching a new publication that focuses on instream flow issues throughout the state of New Mexico.

[full story here](#)

Coming Up In the Next Issue

The next issue of the Utton Center Newsletter will feature Professor Eileen Guana and a distinguished alumni, coverage of the spring speakers series - and more.

Utton Transboundary Resource Center, UNM School of Law
(505) 277-7809
UttonCenter@law.unm.edu
www.facebook.com/UttonCenter
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Utton Center Newsletter

Thank you for your interest and participation in the Utton Center's activities and efforts to improve the status of water resources in the State of New Mexico. For further information, please see our website <http://uttoncenter.unm.edu/>. If you have ideas, requests or suggestions for our next newsletter, please contact the Utton Center at the information listed above. You are a valued resource to the center and our community. Thank you!